## **CONFIDENTIAL**

## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS MARSHALL DIVISION

POLARIS POWERLED TECHNOLOGIES, LLC,

Plaintiff,

Civil Action No. 2:17-cv-00715-JRG

v.

SAMSUNG ELECTRONICS AMERICA, INC., SAMSUNG ELECTRONICS CO., LTD., and SAMSUNG DISPLAY CO., LTD.,

Defendants.

**JURY TRIAL DEMANDED** 

DECLARATION OF AIDAN M. BREWSTER IN SUPPORT OF PLAINTIFF POLARIS POWERLED TECHNOLOGIES, LLC'S OPPOSITION TO DEFENDANTS' MOTION FOR LEAVE TO SERVE A SUPPLEMENTAL EXPERT REPORT BY DR. PHILIP C.D. HOBBS REGARDING GARMIN SOURCE CODE

## **CONFIDENTIAL**

- I, Aidan M. Brewster, declare and state as follows:
- 1. I am over the age of eighteen years and competent to make this declaration. The facts stated in this declaration are of my personal knowledge, and I know them to be true and correct.
- 2. I am an attorney at the law firm of Feinberg Day Alberti Lim & Belloli LLP that represents Plaintiff Polaris PowerLED Technologies LLC ("Polaris") in the above-captioned case.
- 3. I visited the San Francisco office of Covington & Burling LLP on May 17, 2019 to perform an initial inspection of the recently-produced.
- 4. I have reviewed the Protective Order operative in this case as it relates to Restricted Confidential Source Code material. It requires, among other things, that all Source Code Material be produced in a "computer searchable format," and that the computer be equipped with a "source code review tool."

5.	When I initially inspected the , it appeared to have	;
been produ	ced	
		İ
	. I reviewed a portion of	
	Because of the format of the document, I was unable to loa	ιd
it into the s	ource code review tool used to review the other source code produced in the case.	

## **CONFIDENTIAL**

- 6. Additionally, the did not seem to be searchable. While it appeared that some form of optical character recognition ("OCR") had been run on the document, it was not successful,
- 7. Attached hereto as Exhibit A is a true and correct copy of a document subpoena to Garmin International, Inc. served by counsel for Samsung on July 19, 2018.
- 8. Attached hereto as Exhibit B is a true and correct copy of an email from David Ayres to Jennifer Cieluch, sent on November 20, 2018.
- 9. Attached hereto as Exhibit C is a true and correct copy of an excerpt from the April 5, 2019 deposition of Dr. Philip C.H. Hobbs, Ph.D.
- 10. Attached hereto as Exhibit D is a true and correct copy of an excerpt from the Expert Report of Dr. Philip C.D. Hobbs Regarding Validity served on February 8, 2019.
- 11. Attached hereto as Exhibit E is a true and correct copy of an excerpt from the Supplemental Expert Report of Dr. Philip C.D. Hobbs, Ph.D. Regarding Validity originally served on March 25, 2019.
- 12. Attached hereto as Exhibit F is a true and correct copy of a chain of emails between David Ayres and Justin Choi.
- 13. Attached hereto as Exhibit G is a true and correct copy of an email from Robert Kramer to counsel for Samsung, sent on May 10, 2019.
- 14. Attached hereto as Exhibit H is a true and correct copy of a letter from Ranganath Sudarshan to Robert Kramer, sent on May 8, 2019.
- 15. Attached hereto as Exhibit I is a true and correct copy of Samsung's First Amended Invalidity Contentions, dated July 26, 2018.

Case 2:17-cv-00715-JRG Document 320-2 Filed 05/23/19 Page 4 of 4 PageID #: 22165

**CONFIDENTIAL** 

16. Attached hereto as Exhibit J is a true and correct copy of an email from

Ranganath Sudarshan to Robert Kramer, sent on May 11, 2019.

17. Attached hereto as Exhibit K is a true and correct copy of a chain of emails

between Robert Haslam and David Ayres.

18. Attached hereto as Exhibit L is a true and correct copy of the firm biography

pages of Ranganath Sudarshan, Matthew Phelps, and Grant Johnson, current as of May 21,

2019.

19. Attached hereto as Exhibit M is a true and correct copy of an email from Matthew

Phelps to counsel for Polaris, sent on May 9, 2019.

I declare under penalty of perjury that the foregoing is true and correct to the best of my

knowledge and understanding.

Executed this 21st day of May, 2019.

/s/ Aidan M. Brewster

Aidan M. Brewster